IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22772 of 2004

Between:

Manthena Lakshmipathi Raju, S/o Surparaju, Hindu,
R/o Bhimavaram, W.G. District.

..... PETITIONER

AND

Municipal Commissioner, Bhimavaram Municipality, Bhimavaram,
W.G. District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any appropriate Writ, order or direction declaring the action of the respondent herein in interfering with the construction of the house building belongs to the petitioner herein, situate in R.S.No. 69/1 and 69/2 (Plot No. 22 and 23) measuring 315.5 and 328.3 total 643.8 sq. yards situate at Ward No.1 (new) 2(old) Bhimavaram Municipal area, Bhimavaram, W.G. District, as illegal, arbitrary and violative of principles of natural justice and for a consequential order directing the respondent not to interfering with the construction of house building of the petitioner herein and to pass such other order or orders

Counsel for the Petitioner: MR.K.V.L.NARASIMHA RAO

Counsel for the Respondent No.: MR.SRINIVAS DAMMALAPATI

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a direction to the respondents not to demolish the constructions raised by the petitioner in RS Nos.69/1 and 69/2 (plot Nos.22 and 23) admeasuring 643.8 square yards situate at ward No.1 (new) of Bhimavaram Municipal area, Bhimavaram, West Godavari District.

Heard the learned counsel for the petitioner as well as the learned standing counsel for the respondent municipality.

According to the petitioner, he is the owner and possessor of the house site in RS Nos.69/1 and 69/2 admeasuring 643.8 square yards of land. His grievance is that though he is making the constructions in accordance with the sanctioned plan after obtaining permission from the concerned authorities, the respondent is interfering with his possession of the land and is trying to demolish the constructions raised by him even without issuing any notice. It is also stated that he is not deviating the sanctioned plan or not causing any hurdle to the public or hindrance to anybody. If such is the case, the respondent municipality has no right to interfere with the construction activity of the petitioner.

In the circumstances, without going into the merits of the case, the writ petition is disposed of directing the respondent not to interfere with the construction activity of the petitioner, if the petitioner is constructing in accordance with the sanctioned plan. However, it is made clear that if the petitioner violates any conditions or terms of the sanctioned plan, the respondent is at liberty to take action against the petitioner.

With the above direction, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

msv.

To

1. The Municipal Commissioner, Bhimavaram Municipality, Bhimavaram, W.G. District.

2. 2 CD copies.